



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,703	09/09/2003	Santi Kulprathipanja	108297	2306
23490	7590	03/06/2007		
HONEYWELL INTELLECTUAL PROPERTY INC PATENT SERVICES 101 COLUMBIA DRIVE P O BOX 2245 MAIL STOP AB/2B MORRISTOWN, NJ 07962			EXAMINER	
			SINGH, PREM C	
			ART UNIT	PAPER NUMBER
			1764	
			MAIL DATE	DELIVERY MODE
			03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/658,703	KULPRATHIPANJA ET AL.	
	Examiner	Art Unit	
	Prem C. Singh	1764	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)); to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) They raise the issue of new matter (see NOTE below);
- (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-21.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues that it becomes plain to those skilled in the art that Jones seeks to have straight chain alkyl-substituted aromatic compounds and provides specific processes to form such straight chain aromatics. Those straight chain aromatics would inherently have certain characteristic selectivities. The Applicant respectfully submits that those characteristic selectivities are inherently different from the selectivity of the claimed product. In that regard, the Applicant fully discloses his process for producing the claimed composition. The Applicant further argues that in claim 1 in the first paragraph, the Applicant separates "lightly branched" hydrocarbons from the other hydrocarbons which may be linear and/or highly branched. The Applicant's lightly branched hydrocarbons are the acyclic paraffins having two or three primary carbon atoms. The result is that the Applicant provides a stream of acyclic hydrocarbons having two or three primary carbon atoms which are the lightly branched hydrocarbons. At that point, there is substantially no linear hydrocarbons and no highly branched hydrocarbons. The claimed hydrogenation and alkylation are applied to the lightly branched hydrocarbons and result in the claimed selectivity of the composition.

The Applicant's argument is not persuasive because independent claims 1, 16, and 17, do not require the limitation of "lightly branched" paraffins. Dependent claims 7 and 13 have the limitation of "lightly branched" paraffin. Jones discloses, "Relatively straight chain structure" (See column 3, line 54, 59, and 62). Jones further discloses, "Most raw material sources of straight chain paraffins, however, are mixtures containing significant proportion of branched chain isomers in admixture with the desired normal paraffins. These isomers, if converted along with the normal paraffins to their olefin analogs, do not exclusively yield the desired alkylates bearing a straight chain nuclear alkyl substituent or a branched chain alkyl group containing two branches, each of straight chain structure." (Column 4, lines 52-61). "Certain molecular sieves have sufficient selectivity to provide product streams of 99+ percent normal paraffin purity." (Column 5, lines 2-4). It clearly shows that Jones prefers straight chain structure but the invention does not exclude small amounts of lightly branched hydrocarbons. On the other hand, one skilled in the art can take more of branched chain hydrocarbons, if a reduction in the biodegradability of the finished detergent is not a concern.

The Applicant argues that Jones leads those of skilled in the art away from the claimed composition. This is because Jones repeatedly leads those skilled in the art to conclude that it is "all-important" and an objective of Jones to obtain "maximum linearity" of the starting materials and the product. On the other hand, the Applicant chose the opposite direction and deliberately relies on lightly branched components, not straight components, to achieve particular selectivities.

The Applicant's argument is not persuasive because Jones prefers maximum linearity of the starting materials because the invention wants detergents with high bio-degradability. Jones presents in Table I (Column 12, lines 31-50) a comparison of two alkylates: Jones concludes, "The sample of detergent prepared from the branched chain alkylate remains active even after 108 hours." (Column 12, lines 47-49). Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify Jones invention and use lightly branched hydrocarbons along with normal hydrocarbons to produce detergents with bio-degradability lower than the normal hydrocarbons. This will not require strict control of the separation step requiring 100% normal hydrocarbons and make the separation process cheaper. Thus, if reduced bio-degradability is acceptable, separation of normal paraffins from lightly branched paraffins can be omitted. See Ex parte Wu, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989).



Glenn Calderola
Supervisory Patent Examiner
Technology Center 1700